

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adriaan Denbroeder	Team: Bias Squad #1	CCRB Case #: 202105350	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/05/2021 1:00 AM	Location of Incident: § 87(2)(b)		Precinct: 73	18 Mo. SOL 3/5/2023	EO SOL 3/5/2023
Date/Time CV Reported Tue, 09/07/2021 9:11 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 09/07/2021 9:11 PM		

[illegible]

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. LT SA Timothy Brovakos	00000	943025	071 PCT
3. PO Omar Delarosa	06614	964474	071 PCT
4. PO Aaqib Bhatti	14985	963873	071 PCT
5. PO Mubbashar Zahid	03267	965634	071 PCT
6. PO Ryan Selg	28112	967333	071 PCT
7. PO Jason Schreckenstein	01340	956247	071 PCT
8. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Juan Lopez	00000	920518	073 PCT
2. PO Ernest Joseph	17085	957718	073 PCT
3. PO Steven Caraballo	21893	952545	071 PCT
4. PO Christopher Rodriguez	04501	964733	071 PCT
5. PO Jeffrey Rosa	26080	964259	071 PCT
6. PO Adrian Duran	19454	959612	071 PCT
7. PO Majid Mirza	09566	956102	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped individuals.	
B.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped individuals.	
C.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)	
D.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)	
E.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)	
F.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)	
G.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)	
H.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)	
I.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)	
J. Officers	Abuse: Officers frisked individuals.	
K.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the frisk of individuals.	
L.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the frisk of § 87(2)(b)	
M.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the frisk of § 87(2)(b)	
N.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the frisk of § 87(2)(b)	
O.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the frisk of § 87(2)(b)	
P.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the frisk of § 87(2)(b)	
Q.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the frisk of § 87(2)(b)	
R.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the frisk of § 87(2)(b)	
S. Officers	Abuse: Officers searched individuals.	
T.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the search of individuals.	
U.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the search of § 87(2)(b)	
V.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the search of § 87(2)(b)	
W.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos searched § 87(2)(b)	
X.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos searched § 87(2)(b)	
Y.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the search of § 87(2)(b)	
Z.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the search of § 87(2)(b)	
2A.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the search of § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
2B. An officer	Abuse: An officer searched the vehicle in which § 87(2)(b) was an occupant.	
2C.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos supervised the search of the vehicle in which § 87(2)(b) was an occupant.	
2D. An officer	Force: An officer used physical force against § 87(2)(b)	
2E. An officer	Force: An officer used physical force against § 87(2)(b)	
2F.PO Mubbashar Zahid	Force: Police Officer Mubbashar Zahid used physical force against § 87(2)(b)	
2G.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos refused to provide his name to § 87(2)(b)	
2H.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos refused to provide his shield number to § 87(2)(b)	
2I. Officers	Abuse: Officers refused to provide their name to individuals.	
2J. Officers	Abuse: Officers refused to provide their shield number to individuals.	
2K.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos failed to explain to individuals the reason for a law enforcement activity.	
2L.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos failed to provide § 87(2)(b) with a business card.	
2M.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos failed to provide individuals with a business card.	
2N. Officers	Abuse: Officers failed to provide individuals with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
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§ 87(2)(g), § 87(4-b)		

Case Summary

§ 87(2)(b) filed this complaint on September 7, 2021, via the CCRB call processing system. § 87(2)(b) filed this complaint as a duplicate on September 14, 2021, via the CCRB call processing system. § 87(2)(b) filed a duplicate complaint on September 13, 2021 via the CCRB call processing system.

On September 5, 2021, during the Labor Day weekend, at approximately 1:00 a.m., § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and multiple other individuals were present at § 87(2)(b) in Brooklyn for the celebration of the birth of § 87(2)(b) children. Individuals were at the location playing music and waiting for § 87(2)(b) to arrive. Three unmarked police vehicles stopped outside of § 87(2)(b). Several officers, including PO Omar Delarosa, PO Aaqib Bhatti, PO Mubbashar Zahid, LSA Timothy Brovakos, and other unidentified officers exited their vehicles. The officers stopped, frisked, and searched the individuals listed above, as well as other unidentified civilians (**Allegation A, Allegation J, and Allegation S: Abuse of Authority, § 87(2)(g)** (**Allegations B-I: Abuse of Authority, § 87(2)(g)** (**Allegations K-R, Allegations T-AA: Abuse of Authority, § 87(2)(g)** Several officers approached § 87(2)(b) vehicle, and an unidentified officer entered and searched the vehicle (**Allegation AB: Abuse of Authority, § 87(2)(g)** (**Allegation AC: Abuse of Authority, § 87(2)(g)**

During the interaction, unidentified officers used force against § 87(2)(b) and § 87(2)(b) (**Allegation AD-AE: Abuse of Authority, § 87(2)(g)** PO Zahid pushed § 87(2)(b) him with two hands on his chest (**Allegation AF, § 87(2)(g)**

Multiple individuals requested the names and shields of the officers, however no officers responded (**Allegations AG – AJ, § 87(2)(g)** LSA Brovakos failed to explain the reason for the stop to any of the civilians (**Allegation AK: Abuse of Authority, § 87(2)(g)** No officers issued business cards to any individuals (**Allegations AL – AN, § 87(2)(g)**

No one was arrested during the incident and no summonses were issued.

§ 87(2)(g), § 87(4-b)

The involved officers in this incident improperly did not turn on BWC. While the investigation did obtain BWC footage (**BR 53**), this footage only depicts officers who responded to a 911 call made by civilians after the initial officer interaction had concluded.

On September 28, 2022, the Internal Affairs Bureau provided the contents of their investigative case file for a concurrent investigation into allegations that the involved officers did not activate their BWCs (**BR 15**). IAB substantiated a Stop allegation against PO Delarosa, a Failure to provide business cards against PO Delarosa, and Failure to activate BWC allegations against PO Delarosa, PO Zahid, and PO Bhatti. The officers received Command Discipline B and Instructions. A Physical Force allegation against PO Delarosa was exonerated. Additional allegations were closed as unsubstantiated or “Information and Intelligence.” No allegations were pleaded against Lt. Brovakos.

Civilians submitted cell phone footage of the incident (BR 10, 1).

Findings and Recommendations

Allegation (A) Abuse of Authority: Officers stopped individuals.

Allegation (B) Abuse of Authority: Lieutenant Timothy Brovakos stopped Individuals .

Allegation (C) Abuse of Authority: Lieutenant Timothy Brovakos stopped § 87(2)(b)

Allegation (D) Abuse of Authority: Lieutenant Timothy Brovakos stopped § 87(2)(b)

Allegation (E) Abuse of Authority: Lieutenant Timothy Brovakos stopped § 87(2)(b)

Allegation (F) Abuse of Authority: Lieutenant Timothy Brovakos stopped § 87(2)(b)

Allegation (G) Abuse of Authority: Lieutenant Timothy Brovakos stopped § 87(2)(b)

Allegation (H) Abuse of Authority: Lieutenant Timothy Brovakos stopped § 87(2)(b)

Allegation (I) Abuse of Authority: Lieutenant Timothy Brovakos stopped § 87(2)(b)

Jr

Allegation (J) Abuse of Authority: Officers frisked individuals.

Allegation (K) Abuse of Authority: Lieutenant Timothy Brovakos supervised the frisk of individuals.

Allegation (L) Abuse of Authority: Lieutenant Timothy Brovakos supervised the frisk of

§ 87(2)(b)

Allegation (M) Abuse of Authority: Lieutenant Timothy Brovakos supervised the frisk of

§ 87(2)(b)

Allegation (N) Abuse of Authority: Lieutenant Timothy Brovakos supervised the frisk of

§ 87(2)(b)

Allegation (O) Abuse of Authority: Lieutenant Timothy Brovakos supervised the frisk of

§ 87(2)(b)

Allegation (P) Abuse of Authority: Lieutenant Timothy Brovakos supervised the frisk of

§ 87(2)(b)

Allegation (Q) Abuse of Authority: Lieutenant Timothy Brovakos supervised the frisk of

§ 87(2)(b)

Allegation (R) Abuse of Authority: Lieutenant Timothy Brovakos supervised the frisk of

§ 87(2)(b)

Allegation (S) Abuse of Authority: Officers searched individuals.

Allegation (T) Abuse of Authority: Lieutenant Timothy Brovakos supervised the search of individuals.

Allegation (U) Abuse of Authority: Lieutenant Timothy Brovakos supervised the search of

§ 87(2)(b)

Allegation (V) Abuse of Authority: Lieutenant Timothy Brovakos supervised the search of

§ 87(2)(b)

Allegation (W) Abuse of Authority: Lieutenant Timothy Brovakos searched § 87(2)(b)

§ 87(2)(b)

Allegation (X) Abuse of Authority: Lieutenant Timothy Brovakos searched § 87(2)(b)

Allegation (Y) Abuse of Authority: Lieutenant Timothy Brovakos supervised the search of

§ 87(2)(b)

Allegation (Z) Abuse of Authority: Lieutenant Timothy Brovakos supervised the search of

§ 87(2)(b)

Allegation (AA) Abuse of Authority: Lieutenant Timothy Brovakos supervised the search of

§ 87(2)(b)

Allegation (AB) Abuse of Authority: An officer searched the vehicle in which § 87(2)(b)

§ 87(2)(b) was an occupant.

Allegation (AC) Abuse of Authority: Lieutenant Timothy Brovakos supervised the search of

the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that a group of officers arrived at § 87(2)(b) in Brooklyn at approximately 1:00am on September 5, 2021. The reason for the officers' appearance at § 87(2)(b) in Brooklyn remains in dispute. The total number of officers who were present remains in dispute.

Eight civilians were interviewed regarding this incident.

§ 87(2)(b) stated in his CCRB testimony (**BR 39**) that on September 5, 2021, he was at his family friend, § 87(2)(b) home, located at § 87(2)(b) a private house in Brooklyn. He was at the location with multiple other individuals to celebrate the birth of his friend § 87(2)(b). § 87(2)(b) stated during his interview that he has a condition called induced glaucoma which causes him to be blind. While § 87(2)(b) could not see officers, as he sat outside the front of § 87(2)(b) he felt someone place their hands on him, tap his pockets, the sensation of someone trying to feel inside his pockets, and grab his belt. He felt the sensation of someone pull his body out of his chair. § 87(2)(b) started to stand up and someone pushed him back into his chair. At that point, he heard his friend § 87(2)(b) yell, "Why are you going through his bag?" At one point, § 87(2)(b) heard a male voice say, "Party's over. Where's the gun?" after which he heard his friends § 87(2)(b) and § 87(2)(b) state, "You're wearing a white shirt, you shouldn't be doing that." Shortly thereafter, § 87(2)(b) heard doors slam.

§ 87(2)(b) stated in his CCRB interview (**BR 40**) that he was an attendee of § 87(2)(b) celebration as well. He sat out on the sidewalk outside § 87(2)(b) with § 87(2)(b). § 87(2)(b) observed officers arrive in three separate vehicles. Two officers approached § 87(2)(b) and started to go through his bag. He observed other officers frisk his friends § 87(2)(b) (b) an individual known only as § 87(2)(b) and § 87(2)(b). An officer then began to pat § 87(2)(b) body. § 87(2)(b) then saw officers grab § 87(2)(b) from her vehicle and pat her down. In response to this, § 87(2)(b) who had been standing inside the gate of § 87(2)(b) approached the officers who patted § 87(2)(b) down.

§ 87(2)(b) stated in her CCRB interview (**BR 41**) that on the date and time of incident, she was sitting inside of her vehicle, which was parked outside of § 87(2)(b) § 87(2)(b) was on her phone when she observed multiple officers with bright flashlights rushing towards her. She observed that they were carrying bright flashlights. § 87(2)(b) stated that an officer approached § 87(2)(b) § 87(2)(b) told the officers that § 87(2)(b) was blind. An officer then ordered her to exit her vehicle, and as she did so, an officer grabbed her and turned her around. Officers then began to pat her down, making contact with her chest and breast area, stretching her arms out in front of her onto her vehicle. At the same time, she saw two officers tell § 87(2)(b) to stand up; as he did so, they grabbed him and patted his pockets. As officers restrained her and patted her down, an officer opened the passenger side door of her vehicle and entered the vehicle. This officer rummaged through the contents of a satchel inside § 87(2)(b) vehicle, emptying the contents onto the vehicle's floor. At no point did officers ask for § 87(2)(b) identification or driver's license. After officers interacted with § 87(2)(b) they scattered and left the location.

§ 87(2)(b) stated in his CCRB interview (**BR 65**) that he greeted his friend, § 87(2)(b) outside of § 87(2)(b). As he greeted him, four officers exited a black Chevy Impala. Two officers made physical contact with § 87(2)(b) and one officer grabbed § 87(2)(b) and pushed him up against the car and went inside his pockets. An officer asked, "Where's the guns? Party's over." § 87(2)(b) observed officers going through the rear seat of § 87(2)(b).

§ 87(2)(b) vehicle. § 87(2)(b) stated that several civilians asked officers for their names and badge numbers but none of the officers answered.

§ 87(2)(b) provided a detailed statement to the CCRB (BR 43). § 87(2)(b) noted that he was the DJ in the front yard of § 87(2)(b). An unknown number of people were present at the gathering, and people were sitting both on the inside and outside of the gate of the house. When police officers arrived at the location in unmarked Ford Fusion, § 87(2)(b) thought they may be there due to the loud music and turned the music down. He observed officers interacting with his cousin, § 87(2)(b). Officers then approached and searched an unidentified individual § 87(2)(b) did not know. § 87(2)(b) exited the gated area in front of § 87(2)(b) and saw multiple officers. Officers then approached § 87(2)(b) and tried to hold him down as he stood up. They did the same thing to § 87(2)(b). One officer pulled § 87(2)(b) arms behind him while he searched inside § 87(2)(b) bag and waist. § 87(2)(b) observed officers making contact with § 87(2)(b) searching her. § 87(2)(b) approached the officers who were interacting with § 87(2)(b). As he approached, an officer described as a 6'0" tall muscular male wearing a bulletproof vest, body worn camera and boots, "pushed" § 87(2)(b) in the chest. The muscular officer said, "Shut your mouth. Go back in the yard." § 87(2)(b) moved backwards towards the fence of the house after the officer shoved him.

§ 87(2)(b) stated in his CCRB interview (BR 12) that as he approached § 87(2)(b) a blue Chevrolet Impala drove up behind him. Four officers exited their vehicle, and an officer wearing a white shirt immediately patted § 87(2)(b) down as he had just exited his vehicle. A second vehicle arrived a couple seconds later, and four more officers exited. The same officer with the white shirt, put his hand on § 87(2)(b) back and instructed him not to move. This officer patted § 87(2)(b) legs and waistline.

§ 87(2)(b) stated in his CCRB testimony that (BR 66) when he first noticed officers, he stood approximately two doors down from § 87(2)(b) while taking a phone call. An officer § 87(2)(b) described as a light-skinned "Spanish" or Middle Eastern" male who was tall with an athletic build approached him. The tall light-skinned officer asked, "Do you have anything on you that you're not supposed to?" The tall light-skinned officer then asked if he could search § 87(2)(b). § 87(2)(b) replied, "No." The tall light-skinned officer repeated the question and § 87(2)(b) replied that he did not have anything on him. The tall light-skinned officer placed his hand on § 87(2)(b) waistband and ran his fingers over the waistband in the front and back of § 87(2)(b) pants. The tall light-skinned officer did not place his hands inside § 87(2)(b) waistband or "check" § 87(2)(b) pockets. The tall light-skinned officer repeated his question and § 87(2)(b) replied that he did not have anything on him. § 87(2)(b) did not move and did not resist.

§ 87(2)(b) stated in his CCRB testimony (BR 44) that at the time of incident, he had just drove up to § 87(2)(b) where a celebration was being held to commemorate the birth of his children. He exited his vehicle and walked towards the house. Approximately 15 seconds later, officers pulled up in an unmarked silver or black Ford Taurus and an officer with what appeared to be a male voice officer said, "Hey, come here." § 87(2)(b) did not know why the officers were pulling up so he continued walking towards his friend's house at § 87(2)(b). As the police vehicle approached, its windows were rolled down, and § 87(2)(b) looked back and saw four officers inside the vehicle. Two officers approached him, one wearing a white shirt. One of them stated, "Stop. Stay right here." They walked around § 87(2)(b) and stood in front of him, preventing him from continuing to walk down the block. § 87(2)(b) stopped walking and put his hands in the air. An officer then searched § 87(2)(b) by searching his waistline and pockets. An officer described as a white male in his late thirties, between

5'11" and 6'2" tall, with short hair, "went into" § 87(2)(b) waistline in a circular motion, and then his back pockets, and around to his front pockets. He removed § 87(2)(b) wallet from his rear pocket, opened and inspected the wallet, and then returned it to § 87(2)(b) back pocket. The white male officer put his hands inside § 87(2)(b) front pockets. § 87(2)(b) asked the officer for his name, stop and frisk documentation, and his business card. The white male officer ignored him and did not respond. The white male officer then proceeded towards the house. § 87(2)(b) reported that multiple people asked officers for business cards but received no response from the officers.

Civilian video provided via the civilians' attorney, § 87(2)(b) shows (BR 10) a video of the incident. The video depicts officers frisking and searching § 87(2)(b) searching § 87(2)(b) vehicle, and searching through a backpack. One officer wears an NYPD Field Intelligence Officer shirt. Officers then approach a civilian seated in a white sedan. Three vehicles drive off at the end of the recording.

Further civilian video provided (BR 1) shows from video file named WA0233 that at 00:04, there was an officer with a white shirt present. At 00:39, the video pans towards a member of service wearing a white shirt entering a vehicle with the license plate § 87(2)(b) At 00:36 in video WA0187, at 00:36, multiple voices say, "What is the reason" At 00:18, multiple voices state, "Name and badge number." At 00:52, individuals state again, "What is the reason?" There is another vehicle in the frame with the license plate § 87(2)(b)

The events summary for the time of this incident did not yield any results for incidents in the vicinity of § 87(2)(b) during the time of the incident (BR 25).

An NYPD request for 71st Precinct and 73rd Precinct Stop Report Log, or any Stop reports generated regarding an incident in the vicinity of § 87(2)(b) yielded negative results for any related reports. The requests listed the names of identified civilians and officers (BR 9, 32).

The investigation obtained the 71st Precinct Daily Vehicle Assignment Sheet for October 15, 2021 from an unrelated investigation, CCRB 202106289 (BR 57). This document contains a vehicle with the license plate § 87(2)(b) This vehicle has the vehicle number 610. The RMP number is 610.

PO Zahid's memo book for September 5, 2021 (BR 14) noted that he rode in vehicle 610.

AVL results showed that vehicle number 239 from the 71st Precinct passed by (BR 13) § 87(2)(b) at approximately 1:22 a.m. on September 5, 2021. The Daily Vehicle Assignment Sheet from the 71st Precinct for September 5, 2021 did not list any vehicles with the numbers 610 or 239. Results for those vehicles and their corresponding license plates yielded negative response with a note that the vehicles and their license plates did not belong to the 71st Precinct (BR 31).

Lt. Brovakos stated in his CCRB interview (BR 19) that he had no independent recollection of the incident. Lt. Brovakos described the weekend of the incident, Labor Day Weekend as chaotic. Lt. Brovakos stated that he was not familiar with § 87(2)(b) Lt. Brovakos was informed that § 87(2)(b) was a private home located inside the confines of the 73rd Precinct. Lt. Brovakos stated that emergency jobs would necessitate the public safety team going outside the confines of the 71st Precinct, however typical jobs would not require that. Lt. Brovakos stated that during Labor Day Weekend he responded to the 67th and 70th Precincts. Lt. Brovakos was not able to specify which day or which year it was. Lt. Brovakos noted that he helped bordering commands in multiple instances. Lt. Brovakos stated that the 73rd Precinct was not directly attached to the 71st Precinct but was very close "in some areas." Lt. Brovakos did not remember if he responded to any

jobs during Labor Day 2021 within the confines of the 73rd Precinct. During his interview, Lt. Brovakos identified himself in civilian video as the member of service in the white shirt. Lt. Brovakos identified his vehicle as vehicle number 610.

The CCRB interviewed PO Bhatti, PO Rodriguez, and PO Zahid. These officers stated that they did not recall the incident and that they did not complete any documentation in regards to the incident (BR 18).

The concurrent IAB investigation found (BR 15) that PO Zahid, PO Bhatti, PO Delarosa, and Lt. Brovakos were present at § 87(2)(b) on the date of the incident and failed to activate their body worn cameras.

Under NYPD Patrol Guide Procedure 212-11 (BR 33). Officers may only forcibly stop individuals when they have a reasonable, individualized suspicion “that the person has committed, is committing, or is about to commit a crime.”

In People v. De Bour, 40 N.Y.2d 210 (BR 24), the court ruled that officers must sufficiently “establish reasonable suspicion” that an individual is armed before frisking that individual. Furthermore, the court ruled, “Innocuous behavior alone will not generate a founded or reasonable suspicion that a crime is at hand.” An encounter must amount to “reasonable suspicion so as to justify the precipitate frisk of [a] defendant.” Only in cases where, “[a] police officer entertains a reasonable suspicion that a particular person has committed, is committing, or is about to commit a felony or misdemeanor” is a forcible stop or detention of a person permitted.

There is no documentation of Lt. Brovakos’ visit to the location, and Lt. Brovakos could not articulate why he was present at § 87(2)(b) at approximately 1:00am on September 5, 2021. The investigation was able to determine through video evidence and statements from Lt. Brovakos himself that Lt. Brovakos was present. This determination was confirmed by an investigation conducted by IAB. Because the investigation determined that Lt. Brovakos was the highest-ranking member of the service on scene. As such, the Stop, Frisk, and Search allegations were attributed to Lt. Brovakos.

The investigation identified numerous officers that potentially responded to the location, but could not confirm the total numbers of responding officers due to the officers’ failure to document their actions. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Because the officers failed to activate their body-worn cameras, and because the footage provided by civilians did not capture the entirety of the incident, the only account alleging that officers frisked and searched officers comes from the victims to this complaint. However, there is no reason to discount these accounts, especially given that officers did not refute the civilian accounts and the civilians provided consistent testimony in this regard. Thus, the investigation determined that officers did indeed frisk and search the civilians after stopping them. The investigation could not locate any documentation to explain the officers’ presence at the incident location, nor did the officers provide any explanation for their presence via testimony or documentary evidence. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

As noted above, the investigation credits the civilian accounts that officers approached them and frisked them immediately thereafter. This account of immediate frisks in the absence of additional investigative actions appears to indicate that the purpose of the stops and the frisks were interconnected. § 87(2)(g)

§ 87(2)(b) The interviewed officers stated that they could not recall the incident and therefore they did not provide any explanation for their actions. § 87(2)(g)

§ 87(2)(b) reported that officers searched her vehicle, and this account was corroborated by § 87(2)(b). Due to the corroboration of these statements, the investigation had no reason to doubt the credibility of these accounts. § 87(2)(g)

Allegation (AD) Force: An officer used physical force against § 87(2)(b)

In his testimony to the CCRB, § 87(2)(b) – who has impaired vision – reported that when he protested an officer’s search of his person, he started to stand from the chair where he was seated. He was then pushed back into his chair. While other civilians observed officers frisk and search § 87(2)(b), none of the civilians testified that they witnessed officers using force against him.

The civilian-provided video (BR 1, BR 10) does not depict physical interactions between officers and § 87(2)(b).

As noted above, none of the officers documented this incident, and all interviewed officers denied that they had any recollection of this incident. § 87(2)(g)

Allegation (AE) Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) stated in his CCRB interview (BR 40) that after officers arrived and began frisking attendees of the party, they approached him. A male officer with a small amount of facial hair and a medium build began to pat § 87(2)(b) person. Another officer, who § 87(2)(b) could not see, reached under his shoulders, “straightening” his body out. This officer then searched him. The officer who patted him also rummaged through his backpack.

§ 87(2)(b) described the contact that officers made with § 87(2)(b) (BR 43) as a “Full Nelson” as officers pulled § 87(2)(b) arms behind him. § 87(2)(b) stated that after officers interacted with § 87(2)(b) they approached § 87(2)(b) and her vehicle.

§ 87(2)(b) stated in his CCRB interview (BR 39) that many individuals stated, “Stop choking him.” § 87(2)(b) heard § 87(2)(b) state, “Why you touching me, get off of me” multiple times. § 87(2)(b) stated in his CCRB interview (BR 12) that an officer stood behind § 87(2)(b) and “choked him up,” wrapping an arm behind his neck.

The video provided to the investigation by attorney § 87(2)(b) (BR 1, BR 10) does not depict physical interactions between officers, § 87(2)(b) and § 87(2)(b). The videos begin either as officers frisk and search § 87(2)(b) next to her vehicle, or as they approach their vehicles and drive off.

An initial request for body-worn camera footage generated regarding this incident resulted in negative results (BR 52). A subsequent request naming the known officers and civilian yielded two BWC files for Lt. Juan Lopez and his operator PO Ernest Joseph (BR 53). However, this footage only depicts officers who responded to a 911 call made by civilians after the initial officer interaction had concluded.

Lt. Brovakos stated in his CCRB interview (BR 19) that he had never seen an officer make contact with a civilian's neck during his career and that he did not know if an officer placed an arm around § 87(2)(b) neck on September 5, 2021. PO Zahid stated in his CCRB interview (BR 20) that he did not recall any officers placing their arms around any civilians' necks. PO Bhatti stated in his CCRB interview that he did not place anyone in a chokehold or restrict any person's breathing. PO Bhatti stated that an officer did not make contact with § 87(2)(b) on his neck. He stated that he did not remember anyone lifting someone from their chair. PO Bhatti identified PO Selg and PO Schreckenstein from civilian video during his interview (BR 18).

IAB conducted a concurrent investigation during which investigators interviewed Lt. Brovakos, PO Bhatti, PO Zahid, and PO Delarosa (BR 15).

AVL results showed that vehicle number 239 from the 71st precinct passed by (BR 13) § 87(2)(b) at approximately 1:22am.

Neither vehicle 239 nor 610 with license plate were listed on the Daily Vehicle Assignment sheet for the 71st Precinct (BR 31, 2).

At timestamp 00:09 of civilian video provided by attorney § 87(2)(b) (BR 10) shows that an officer wearing an NYPD Field Intelligence uniform.

A gun stopper tip was requested for the incident (BR 17) and Lt. Edward Rodriguez of the NYPD Intelligence Bureau stated that there was no Gun Stop tip for the job. Further correspondence to identify this officer with Lt. Rodriguez (BR 45) yielded negative results. Lt. Rodriguez stated that the person who most resembled the officer in the video was Detective Justin Walker of PSA 2 or Deondre Castello of the 75th Precinct Field Intelligence Office who had resigned from the NYPD. The officer also resembles Det. Michael Gonzalez of the 71st precinct Field Intelligence Office.

It is unclear which officer would have interacted with § 87(2)(b) or § 87(2)(b) while he was in his chair as the cell phone footage begins after the portion of the incident described. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (AF) Force: Police Officer Mubbashar Zahid used physical force against § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) stated during his CCRB interview (BR 43) stated that he exited a gated area in front of § 87(2)(b) and approached the officers who were interacting with § 87(2)(b). § 87(2)(b) approached the officers to tell them that § 87(2)(b) was a female and to make sure that she was okay. As he approached, an officer “pushed” him away, shoving his chest. § 87(2)(b) moved backwards towards the fence of the house after the officer shoved him.

§ 87(2)(b) stated in his CCRB interview that (BR 40) as § 87(2)(b) approached the officers outside the front area of the house, an officer pushed him, causing him to “[fly] back.”

Civilian video provided via the civilians’ attorney, § 87(2)(b) shows (BR 10) shows that at timestamp 00:40, an officer pushes § 87(2)(b) by placing two hands on his chest applying abrupt pressure.

PO Zahid, in his CCRB interview (BR 20) initially stated he did not recall making physical contact with any civilians during the incident. He then identified himself in civilian video footage (BR 10). PO Zahid stated that in the video, he appeared to be “creating distance” between himself and a civilian by extending his arm and asking other civilians to move back and stay calm. According to his body language, he believed that he and PO Bhatti told civilians to move away from MOS. PO Zahid recalls that when civilians get too close, it is within NYPD policy to protect your “zone of safety.” According to PO Zahid, officers can protect their “zone of safety” by extending their arm to create distance between MOS and civilians. This distance protects the MOS’s person and equipment around the waste, such as the gun, taser, or mace. PO Zahid did not remember why he was present at § 87(2)(b). PO Zahid denied telling any civilians to shut their mouths.

During his CCRB interview, PO Bhatti (BR 18) identified PO Zahid from civilian interview footage (BR 10) as the officer making contact with a civilian. PO Bhatti stated that he did not remember why he was at the location.

NYPD Patrol Guide Procedure 221-01 (BR 35) notes: “Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody.

TRI report requests for this incident were returned as negative (BR 48, 49, 50, 51).

PO Zahid did not articulate any reasoning for being at the location of the incident on September 5, 2021. Furthermore, he did not explain any specific reason for pushing § 87(2)(b) § 87(2)(g).

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (AG) Abuse of Authority: Lieutenant Timothy Brovakos refused to provide his name to § 87(2)(b)

Allegation (AH) Abuse of Authority: Lieutenant Timothy Brovakos refused to provide his shield number to § 87(2)(b)

Allegation (AI) Abuse of Authority: Officers refused to provide their name to individuals.

Allegation (AJ) Abuse of Authority: Officers refused to provide their shield number to individuals.

NYPD Administrative Guide Procedure 304-11 (BR 21) described how officers must comply with the New York City Right to Know Act. In the case that officers engage in a Level Three encounter

involving a stop, frisk, or search, or all of the above, officers must “explain reason for law enforcement activities.” Afterwards, business cards must be offered unless a summons is issued or an arrest is made. Officers must provide their name and shield when requested.

As discussed above, the investigation determined that Lieutenant Brovakos and his officers were present at § 87(2)(b) at the date and time of incident as Lieutenant Brovakos identified himself in video recorded by civilians. As discussed above, video footage provided by civilians depict multiple unidentified civilians asking the officers en masse for their names and shield numbers and being provided with no response.

In his statement to the CCRB, § 87(2)(b) stated that an officer with a white shirt frisked him. The investigation found that this white-shirted officer was Lieutenant Brovakos. After the frisk, § 87(2)(b) asked Lieutenant Brovakos for his shield number and name but Lieutenant Brovakos did not respond. No officer provided documentation or business cards to anyone. § 87(2)(b) did not learn of any officer’s names.

In his statement to the CCRB, § 87(2)(b) reported that an officer he described as a white male in his late thirties, between 5’11” and 6’2” tall, with short hair, frisked him. After the frisk, § 87(2)(b) asked the officer for his name, stop and frisk documentation, and his business card. The white male officer ignored him and did not respond. § 87(2)(b) reported that several unspecified people asked unidentified officers for business cards but received no response from the officers.

In his testimony to the CCRB, § 87(2)(b) stated that several civilians he could not identify asked unidentified officers for their names and shield numbers; he did not specify whether any of the officers responded to these requests for information. After civilians requested the officers’ identifying information, the officers returned to their vehicles and left the location.

As noted above, none of the involved officers documented their body-worn cameras, and so there is no other record of the details of the interaction aside from the brief footage provided by the civilians. Lieutenant Brovakos and the officers all uniformly denied having any recollection of the incident despite Lieutenant Brovakos identifying himself in video footage.

§ 87(2)(g)

Allegation (AK) Abuse of Authority: Lieutenant Timothy Brovakos failed to explain to individuals the reason for a law enforcement activity.

Allegation (AL) Abuse of Authority: Lieutenant Timothy Brovakos failed to provide § 87(2)(b) with a business card.

Allegation (AM) Abuse of Authority: Lieutenant Timothy Brovakos failed to provide individuals with a business card.

Allegation (AN) Abuse of Authority: Officers failed to provide individuals with a business card.

NYPD Administrative Guide 304-11 (**BR 67**) requires that an officer do the following when he or she engages in a noncustodial questioning of individuals suspected of criminal activity, a pedestrian stop, a frisk, or a search:

1. Provide to such person an explanation of the reason for such law enforcement activity, unless providing such information would impair a criminal investigation;
2. Offer a business card to such person at the conclusion of any such activity that does not result in arrest or summons

As discussed under Allegations A-AC, § 87(2)(b) and § 87(2)(b) stated that the officers did not provide anyone with business cards at the conclusion of the interaction. Aside from noting that some officers referenced guns, no civilians reported that officers explained the reason for the interaction. Civilian-provided video footage does not depict any officers providing civilians with documentation prior to leaving the incident location nor does it depict officers explaining the reason for the police interaction.

The officers in this case collectively failed to generate any documentation of this interaction, including body-worn camera footage, memo book notations, or UF 250s. This collective lack of documentation by such a large number of officers across so many types of documentation suggests that this omission did not occur by happenstance and that it was instead part of a concerted effort to purposefully refrain from documenting this interaction. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
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• § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Lt. Brovakos has been a member of service for 15 years and has been a subject in 40 CCRB cases and 175 allegations, of which 27 allegations were substantiated.:
 - 201500206 involved a substantiated allegation of a vehicle search. The Board recommended Command Discipline B and the NYPD imposed formalized training.
 - 201905132 involved a substantiated allegation of discourtesy. The Board recommended command level instructions and the NYPD impose Instructions.
 - 201910398 involved allegations of a failure to provide an RTKA card and discourtesy. The Board recommended Command Discipline A and the NYPD did not impose discipline.
 - 202003306 involved a substantiated allegation of seizure of property. The Board recommended Command Discipline A and the NYPD did not impose discipline.
 - 202007423 involved substantiated allegations of failure to provide RTKA card. The Board recommended Command Discipline B and the NYPD did not impose discipline.
 - 202007569 involved substantiated allegations of failure to provide RTKA cards. The Board recommended Command Discipline B and the NYPD did not impose discipline.
 - § 87(2)(g) [REDACTED]
 - § 87(2)(g) [REDACTED]
 - § 87(2)(g) [REDACTED]
 - § 87(2)(g) [REDACTED]
 - 202104113 involved substantiated allegations of failure to provide an RTKA Card and two allegations of frisks. The Board recommended Command Discipline B and the NYPD has not yet imposed discipline.
 - 202104788 involved a substantiated allegation of discourtesy. The Board Recommended Command Discipline A and the NYPD has not yet imposed discipline.
- § 87(2)(g) [REDACTED] A failure to provide an RTKA card has been pled against Lt. Brovakos 15 times and substantiated 11 times. A frisk allegation has been pled against Lt. Brovakos 18 times and substantiated 5 times. A total 33 vehicle stop and stop allegations have been pled against Lt. Brovakos and two have been substantiated.
- PO Zahid has been a member of service for four years and has been a subject in nine cases and 26 allegations, two of which were substantiated.
 - 202100053 involved substantiated allegations of frisk and stop, for which the Board recommended Command Discipline B and the NYPD imposed Formalized Training.
 - § 87(2)(g) [REDACTED]

Mediation, Civil, and Criminal Histories

- Mediation was not available at the time of this complaint.
- A Notice of Claims request has been submitted to the New York City Office of the Comptroller and will be added to the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
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[REDACTED]

Squad: 2212

Investigator:	<u>Adriaan Denbroeder</u>	<u>Inv. Denbroeder</u>	<u>1/4/23</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Carlmais Johnson</u>	<u>IM Carlmais Johnson</u>	<u>June 21, 2023</u>
	Signature	Print Title & Name	Date

Reviewer:	<u>Darius Charney</u>	<u>RPBP Director Darius Charney</u>	<u>June 28, 2023</u>
	Signature	Print Title & Name	Date